REMARKS

Claims 3- 10, 12-13, 15-23, 25-28, and 30-35 are pending in the application, of which all claims stand rejected. Claims 1-2, 11, 14, 24, and 29 have been canceled above. Claims 3, 13, 19, 21-23, and 35 have been amended above. Specifically, claim 3 has been amended to include the subject matter of dependent claim 11, along with additional language suggested by the Examiner as explained below. Claim 3 has also been amended to effect minor clerical revisions to provide a clearer antecedent basis for the terms "selected" and "ring".

Independent claim 13 has been amended to incorporate the subject matter of claim 14, and independent claim 23 has been amended to include the subject matter of claim 24, resulting in the cancellation of claims 14 and 24. In addition, independent claim 35 has been amended to claim additional aspects of Applicant's invention. Applicant has also variously amended claims 13, 19, 21, and 22 to delete the "means" language from the claims.

Applicant respectfully requests entry of the above amendments, because such amendments place the application in condition for allowance, are responsive to the outstanding office action or requests by Examiner Zhen during the interview, and otherwise require only a cursory review by the Examiner.

REQUEST FOR COPY OF MISSING IDS

Applicant respectfully requests that the Examiner provide a signed and initialed copy of the information disclosure statement previously submitted by Applicant and received by the Patent Office on September 16, 2002.

STATEMENT UNDER 1.133(b)

The undersigned representative would like to thank the Examiners for the courtesy of the telephone interview of May 16, 2006 in which the undersigned, Examiner Rampuria, and Examiner Zhen participated.

During the interview the rejection of independent claim 3 was discussed. The undersigned representative argued that claim 3 was allowable over Oliver for at least the reason the Oliver fails to disclose the feature of "providing a comparison means for comparing the value

of the next pointer to the value of the memory location of the smart pointer in which the next pointer is included", as recited in claim 3. Instead, the undersigned pointed out that Oliver compares the next pointer to the previous pointer, as illustrated at element 502 of Fig. 5 D and the associated text at column 5, lines 33-42. The Examiners agreed that at least the above-quoted feature of claim 3 is not disclosed or suggested in Oliver. In addition, it was agreed that independent claims 13, 23, and 35 each contained a similar feature which is not disclosed or suggested in Oliver. However, despite the agreement that at least one feature of each independent claim is not disclosed or suggested in Oliver, Examiner Zhen would not commit to the allowability of the independent claims over Oliver during the interview. Instead, Examiner Zhen indicated that the Examiners would further study Oliver and promised to call the undersigned representative to continue the interview in the event the Examiners would not allow the independent claims over Oliver. In addition, the undersigned explained that Oliver would not function correctly for the reasons provided in paragraph [0021] of the application.

In addition, it was noted that the terms "selected" and "ring" appearing in claim 3 appeared to be typographical errors. As explained above, claim 3 has been amended to address this. In addition, during the interview Examiner Zhen indicated it might be possible, after further consideration, to reject claim 3 under 35 USC 101. Claim 3 was not rejected during the interview under 35 USC 101. However, for the sole purpose of expediting the allowance of this application Applicant has voluntarily amended claim 3 above to include the subject matter of dependent claim 11. In addition, Examiner Zhen expressed a desire to have a feature of "not deleting the memory-resident element if the value of the next pointer of the smart pointer is not equal to the value of the memory location of the smart pointer in which the next pointer is included" included in claim 3, which Applicant has done solely for the purpose of expediting the allowance of the application. In making any of the amendments to the claims Applicant is not agreeing with the Examiner's possible view regarding 35 USC 101.

REJECTIONS UNDER 35 U.S.C. 102

Claims 3-35 were rejected under 35 U.S.C. 102(e) "as being anticipated by US Patent No. 6,144,965 to Oliver (hereinafter called Oliver)."

For the reasons recounted above from the telephone interview, Applicant respectfully submits that all pending claims are allowable over Oliver. In particular, the text of Oliver cited in the Office Action does not disclose at least Applicant's claimed feature of "providing a comparison means for comparing the value of the next pointer to *the value of the memory location of the smart pointer in which the selected next pointer is included*" as recited in claim 3. (Emphasis Added.) In addition, Oliver fails to disclose Applicant's claimed feature of "deleting the memory-resident element associated with the smart pointer if the value of the next pointer of the smart pointer is equal to the value of the memory location of the smart pointer in which the next pointer is included" as recited in claim 3. In contrast, the text relied upon in the Office Action at column 5, lines 34-37 of Oliver states that the comparison is made between the value of the next pointer and the previous pointer. The "value of the memory location of the smart pointer in which the selected next pointer is included" is not even considered or mentioned in the cited text of Oliver. It is not used in the Oliver test. Only the next and previous pointers are used. Specifically, in Oliver the previous pointer is used for comparison to the next pointer (see 502 in Fig. 5D). Hence, Oliver clearly fails to disclose at least Applicant's claimed features of "comparing the value of the next pointer to the value of the memory location of the smart pointer in which the selected next pointer is included" and "deleting the memory-resident element associated with the smart pointer if the value of the next pointer of the smart pointer is equal to the value of the memory location of the smart pointer in which the next pointer is included" as recited in claim 3. For at least these reasons, Oliver fails to disclose each and every element recited in claim 3. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claim 3, as well as claims 4-10 and 12, which depend respectively therefrom.

Applicant further respectfully submits that the above arguments relating to the allowability of claim 3 over Oliver also provide a basis for allowing independent claims 13, 23, and 35, as explained during the interview and summarized above. Thus, Applicant respectfully requests that the Examiner withdraw the rejection of independent claims 13, 23, and 35, as well as claims 15-22, 25-28, and 30-34, which depend respectively therefrom.

REJECTIONS UNDER 35 U.S.C. 103(a)

Claims 1 and 2 stand rejected under 35 U.S.C. 103 as being unpatentable "over US Patent No. 6,144,965 to Oliver (hereinafter called Oliver) in view of US Patent No. 6,223,342 to George (hereinafter, George)." Claims 1 and 2 are canceled above rendering their rejection moot.

In view of the foregoing amendments and remarks, it is believed that the claims in this application are now in condition for allowance. Early and favorable reconsideration is respectfully requested. The Examiner is invited to telephone the undersigned in the event that a telephone interview will advance prosecution of this application.

Respectfully submitted,

Niels Haun
PTO Reg. No. 48,488

DANN DORFMAN HERRELL & SKILLMAN
A Professional Corporation
1601 Market Street, Suite 2400
Philadelphia, PA 19103
Phone: (215) 563-4100
Fax: (215) 563-4044